

APPEAL NO. 032321
FILED OCTOBER 22, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 4, 2003. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the ninth quarter.

The appellant (carrier) appeals, principally on a sufficiency of the evidence basis, contending that the claimant's job search efforts were not in good faith. The file does not contain a response from the claimant.

DECISION

Affirmed.

Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The claimant proceeds on the basis that she has made a good faith effort to obtain employment commensurate with her ability to work by complying with Rules 130.102(d)(5) and (e). The hearing officer's determination on the direct result requirement has not been appealed.

The claimant submitted documented evidence of 134 job contacts during the relevant qualifying period. The hearing officer, in his Statement of the Evidence, discusses in some detail the rationale and conflicting evidence that support his decision. We have many times cited Section 410.165(a) which makes the hearing officer the sole judge of the relevance, materiality, weight, and credibility to be given to the evidence. The hearing officer detailed how he arrived at his decision and we decline to substitute our judgment for that of the hearing officer. The hearing officer's decision is supported by sufficient evidence, is not incorrect as a matter of law, and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge